

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chairman Kelly Gebhardt, on March 9, 2009 at 3:00 P.M., in Room 422 Capitol

ROLL CALL

Members Present:

Sen. Kelly Gebhardt, Chairman (R)
Sen. Debby Barrett, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. Ken (Kim) Hansen (D)
Sen. Gary L. Perry (R)
Sen. Mitch Tropila (D)

Members Excused:

Sen. Christine Kaufmann (D)
Sen. Jim Keane (D)
Sen. Jim Peterson (R)
Sen. Donald J. Steinbeisser (R)
Sen. David E. Wanzenried (D)

Members Absent: None

Staff Present: Lindsey Hern, Committee Secretary
Sonja Nowakowski, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 75, 2/24/2009; HB 153,
2/24/2009; HB 278, 2/24/2009; HB
285, 2/24/2009

Executive Action: HB 39; HB 41; HB 75; HB 139; HB
153; HB 278; HB 285

Chairman Gebhardt left after roll call and Vice Chair Barrett assumed the Chair.

HEARING ON HB 278

Opening Statement by Sponsor:

00:01:31 Rep. Bill McChesney (D), HD 40, opened the hearing on HB 278, Revise coal bond reclamation laws.

00:02:32 Sen. Steinbeisser came to the committee.

00:04:26 Sen. Kaufmann came to the committee.

Proponents' Testimony:

00:05:29 Bud Clinch, Montana Coal Council (MCC)

[EXHIBIT\(nas52a01\)](#)

[EXHIBIT\(nas52a02\)](#)

[EXHIBIT\(nas52a03\)](#)

00:26:45 Todd O'Hair, Rio Tinto Energy America Services Company (RTEA)

[EXHIBIT\(nas52a04\)](#)

00:29:36 Chairwoman Barrett

00:29:42 Mr. O'Hair, RTEA

[EXHIBIT\(nas52a05\)](#)

00:33:00 Neil Harrington, Chief of the Industrial and Energy Minerals Bureau, Department of Environmental Quality (DEQ)

[EXHIBIT\(nas52a06\)](#)

00:35:12 Don Allen, Western Environmental Trade Association (WETA)

Opponents' Testimony:

00:36:13 Julia Page, Northern Plains Research Council (NPRC)

Informational Testimony:

None

Questions from Committee Members and Responses:

00:41:53 Sen. Kaufmann

00:42:21 Ms. Page, NPRC

[EXHIBIT\(nas52a07\)](#)

00:43:14 Chairwoman Barrett
00:43:39 Mr. O'Hair, RTEA
00:44:30 Chairwoman Barrett
00:44:44 Mr. O'Hair, RTEA
00:44:47 Chairwoman Barrett
00:45:04 Mr. O'Hair, RTEA
00:46:04 Sen. Perry
00:46:19 Mr. O'Hair, RTEA
00:46:41 Sen. Perry

Closing by Sponsor:

00:46:49 Rep. McChesney

HEARING ON HB 285

Opening Statement by Sponsor:

00:51:01 Rep. Michele Reinhart (D), HD 97, opened the hearing on
HB 285, Authorize use of gray water in commercial and
multifamily structures.

[EXHIBIT \(nas52a08\)](#)

Proponents' Testimony:

00:53:41 Matt, Elsaesser, The S.A.V.E Foundation

[EXHIBIT \(nas52a09\)](#)

00:55:23 Steve Kilbreath, DEQ

[EXHIBIT \(nas52a10\)](#)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

Rep. Reinhart

Additional Exhibits:

[EXHIBIT\(nas52a11\)](#)

[EXHIBIT\(nas52a12\)](#)

HEARING ON HB 75

Opening Statement by Sponsor:

01:00:54 Rep. Kendall Van Dyk (D), HD 49, opened the hearing on HB 75, Revise environmental rehabilitation and response account use.

Proponents' Testimony:

01:03:56 John Arrigo, DEQ

[EXHIBIT\(nas52a13\)](#)

[EXHIBIT\(nas52a14\)](#)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:13:20 Sen. Perry
01:13:46 Mr. Arrigo, DEQ
01:14:41 Sen. Perry
01:15:11 Mr. Arrigo, DEQ
01:16:02 Sen. Hansen
01:16:11 Mr. Arrigo, DEQ
01:17:00 Sen. Hansen
01:17:18 Mr. Arrigo, DEQ
01:17:37 Sen. Hansen
01:17:47 Mr. Arrigo, DEQ
01:18:57 Sen. Curtiss
01:19:17 Mr. Arrigo, DEQ
01:19:34 Sen. Curtiss
01:19:47 Mr. Arrigo, DEQ
01:20:22 Sen. Curtiss
01:20:41 Mr. Arrigo, DEQ
01:21:16 Sen. Tropila
01:21:32 Mr. Arrigo, DEQ
01:21:36 Sen. Tropila
01:21:56 Mr. Arrigo, DEQ

Closing by Sponsor:

01:22:18 Rep. Van Dyk

Additional Exhibits:

[EXHIBIT\(nas52a16\)](#)

HEARING ON HB 153

Opening Statement by Sponsor:

01:23:32 Rep. Betsy Hands (D), HD 99, opened the hearing on HB 153, Revise the Voluntary Cleanup and Redevelopment Act (VCRA).

Proponents' Testimony:

01:26:15 Sandi Olsen, DEQ

[EXHIBIT\(nas52a17\)](#)

[EXHIBIT\(nas52a18\)](#)

01:29:54 Chad Delong, Missoula Economic Development Corporation (MAEDC)

[EXHIBIT\(nas52a19\)](#)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:31:53 Chairwoman Barrett

01:32:12 Ms. Olsen, DEQ

01:32:22 Denise Martin, Site Response Manager, DEQ

01:32:51 Sen. Gebhardt returned to the committee.

01:33:19 Chairwoman Barrett

01:33:30 Ms. Martin, DEQ

Closing by Sponsor:

01:34:07 Rep. Hands

01:35:09 Chairman Gebhardt resumed the Chair.

01:35:13 Sonja Nowakowski, Legislative Service Division (LSD)

01:35:39 Chairman Gebhardt

EXECUTIVE ACTION ON HB 39

01:36:39 **Motion:** Sen. Perry moved that **HB 39 BE CONCURRED IN.**

01:37:21 **Motion:** Sen. Perry moved that **HB 39 BE AMENDED.**
EXHIBIT(nas52a20)

Discussion:

01:37:42 Sen. Perry

01:38:05 **Vote:** Motion that **HB 39 BE AMENDED** carried unanimously by voice vote, present and voting.

01:38:14 **Motion:** Sen. Perry moved that **HB 39 BE CONCURRED IN AS AMENDED.**

Discussion:

01:38:28 Sen. Barrett

01:38:53 Sen. Perry

01:39:54 Chairman Gebhardt

01:40:11 Sen. Perry

01:40:17 Chairman Gebhardt

01:40:25 Ms. Nowakowski, LSD

01:40:46 Sen. Wanzonried came to committee.

01:41:02 Sen. Tropila

01:41:07 **Vote:** Motion that **HB 39 BE CONCURRED IN AS AMENDED** carried unanimously by voice vote, present and voting.
Sen. Perry will carry the bill in the Senate.

EXECUTIVE ACTION ON HB 41

01:42:00 **Motion:** Sen. Perry moved that **HB 41 BE CONCURRED IN.**

Discussion:

01:42:26 Ms. Nowakowski, LSD

EXHIBIT(nas52a21)

01:44:43 **Motion:** Sen. Perry moved that **HB 41 BE AMENDED.**
(Exhibit 21)

Discussion:

01:45:20 Sen. Kaufmann

01:45:34 Ms. Nowakowski, LSD

01:45:54 **Vote:** Motion that **HB 41 BE AMENDED** carried unanimously by voice vote, present and voting.

01:46:09 **Motion/Vote:** Sen. Perry moved that **HB 41 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote, present and voting. Sen. Wanzenried will carry the bill in the Senate.

01:46:58 Sen. Wanzenried

01:47:07 Chairman Gebhardt

EXECUTIVE ACTION ON HB 139

01:47:37 Chairman Gebhardt

01:47:52 **Motion/Vote:** Sen. Perry moved that **HB 139 BE CONCURRED IN**. Motion carried 8-1 by voice vote with Sen. Kaufmann voting no, present and voting. Sen. Curtiss will carry the bill in the Senate.

01:48:52 Chairman Gebhardt

EXECUTIVE ACTION ON HB 153

01:49:20 **Motion/Vote:** Sen. Steinbeisser moved that **HB 153 BE CONCURRED IN**. Motion carried unanimously by voice vote, present and voting. Sen. Tropila will carry the bill in the Senate.

EXECUTIVE ACTION ON HB 285

01:50:05 **Motion/Vote:** Sen. Perry moved that **HB 285 BE CONCURRED IN**. Motion carried unanimously by voice vote, present and voting. Sen. Kaufmann will carry the bill in the Senate.

EXECUTIVE ACTION ON HB 278

01:50:51 **Motion/Vote:** Sen. Perry moved that **HB 278 BE CONCURRED IN**. Motion carried 5-4 by voice vote with Sen. Hansen, Sen. Kaufmann, Sen. Tropila, and Sen. Wanzenried voting no, present and voting. Sen. Gebhardt will carry the bill in the Senate.

01:51:32 Sen. Hansen

01:51:36 Sen. Wanzenried

01:52:00 Chairman Gebhardt

EXECUTIVE ACTION ON HB 75

01:52:43 **Motion/Vote:** Sen. Perry moved that **HB 75 BE CONCURRED IN**. Motion carried unanimously by voice vote, present and voting. Sen. Keane will carry the bill in the Senate.

01:52:52 Sen. Keane came to committee.

Additional Committee Business:

01:53:21 Chairman Gebhardt
01:54:31 Sen. Perry
01:54:33 Chairman Gebhardt
01:55:20 Ms. Nowakowski
01:55:30 Chairman Gebhardt
01:55:40 Sen. Keane
01:55:42 Ms. Nowakowski

ADJOURNMENT

Adjournment: 5:00 P.M.

Lindsey Hern, Secretary

lh

Additional Documents:

EXHIBIT ([nas52aad.pdf](#))